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10/028,950

12/18/2001

Harri Korpela

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03/08/2006

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,950

Applicant(s)

KORPELA ET AL.

Examiner

Steven HD Nguyen

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2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersson (USP 5809129).

Regarding claims 7, 11 and 14, Andersson discloses a planning arrangement for forming a communications network, the arrangement comprising a set of at least two modules (Fig 2, one of Connection layer and Physical layer), each module of the set representing a technical solution usable in a layer of the communications network (Fig 2, Layers), the arrangement configured to allow selection of at least two modules of the set (Fig 2, connection or physical layer); and arrange said at least two modules of the set on top of each other as a layered structure for modeling the communications network to be formed (Fig 2, call on top of one of connection layers or one of connection layers on top of a physical layer); wherein a given module of the layered structure is configured to offer resources to an adjacent module above the given module and/or to use resources of an adjacent module below the given module (Col. 3, lines 47-66 and Col. 6, lines 9-20).

Regarding claims 8 and 12, Andersson discloses that the at least two modules of the set are configured to be selected based on desired technical solutions of the communications

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network to be formed (Fig 2, logical network and physical network are created to form a network to convey data).

Regarding claim 9, Andersson discloses that the technical solution of at least one module of the set is configured to be usable in more than one layer of the layered structure (Fig 2, Physical Layer).

Regarding claim 10 and 13, Andersson discloses that routing of the layered structure is configured to be performed in one module at a time such that routes in the adjacent module above are found in the given module (Fig 3, Routing table).

Regarding claim 15, Anderson discloses that the technical solution represented by the module comprises one of cellular, Asynchronous Transfer Mode, Plesiochronous Digital Hierarchy, Synchronous Digital Hierarchy, Internet Protocol, Wavelength-Division Multiplexing, and physical conduits (Col. 10 lines 10-38).

Regarding claim 16, Anderson discloses that the module comprises one of conduit module, line system module, Virtual Container-4 module, 2Mbit/s module, Asynchronous Transfer Mode link module, Asynchronous Transfer Mode virtual path module, Asynchronous Transfer Mode virtual circuit module, Internet Protocol module, Wavelength-Division Multiplexing module, and cellular module (Col. 10 lines 10-38).

Regarding claim 17, Anderson discloses that the module further comprising nodes and links between the nodes (Fig 3, routing table).

Regarding claim 18, Anderson discloses that the types of the nodes and links are specific for the layer (Fig 2, logical network).

Regarding claim 19, Anderson discloses that the module is configured to add a node and/or link to an adjacent module above the given module and/or to an adjacent module below the given module (Fig 2).

Regarding claim 20, Anderson discloses that the module comprising module-specific calculation and routing methods (Fig 3, generating routing table).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boda (USP 5687292) discloses a method and system for distributing resources of a given physical network among logical links.

Holender (USP 6069894) discloses a method and system for distributing resources of a given physical network among logical links.

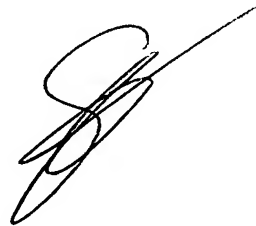
Holender (USP 6104699) discloses a method and system for distributing resources of a given physical network among logical links.

Holender (USP 5764740) discloses a method and system for allocating resources of a given physical network among logical links.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'S. H. D. Nguyen', written in a cursive style.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
March 5, 2006